

III. REMARKS

In the Office Action of July 21, 2003, the Examiner indicated that the priority information in the first sentence of the specification as well as the executed declaration were inconsistent with U.S. Patent and Trademark Office records. Applicant would like to thank the examiner for pointing out this inconsistency, which has been duly addressed in the above amendment and the accompanying declaration executed by the inventor. It is respectfully submitted that in light of the above, the priority information should no longer be considered objectionable.

In the Office Action of July 21, 2003, claim 15 was objected to because the word "of" is missing from the phrase "consisting of". Applicant has appropriately amended claim 15 to address the informality. In view of this correction to the claims, it is respectfully submitted that claim 15 is no longer objectionable for the reason cited in the Office Action.

In the Office Action of July 21, 2003, claim 4 was withdrawn because as amended, it was directed to non-elected subject matter. In light of the above amendments to the claims, Applicant respectfully requests that the examiner reconsider this action as the claim 4 has been amended to restore it to the form original filed with the application. The claim was inadvertently amended to reflect language from an unrelated case. In view of this correction to the claims, it is respectfully submitted that claim 4 should be pending and condition for allowance with the other claims.

Claims 1-3, 5-22, 24-27 and 32-33 Stand Rejected Under 35 U.S.C. §102(b)

In the Office Action, claims 1-3, 5-22, 24-27 and 32-33 were rejected under 35 U.S.C. §102(b) as being anticipated by Shannon U.S. Patent 3,661,663 (hereinafter Shannon). It is respectfully submitted that Shannon does not describe or suggest the present invention as claimed in these claims. Reconsideration of this rejection is respectfully requested for the following reasons.

Any product resulting from the various methods disclosed in Shannon start with the same skeletal structure, which comprises low quantities of fiber and large quantities of organic binder. Though the Shannon reference discloses the use of inorganic binders, they are used after the organic binder containing skeletal structure is formed (Column 2 lines 10-20). Moreover, because of the use of the skeletal structure, even the high temperature insulations that result from the inorganic binder containing process has a small fiber content relative to the quantity of binder and/or fillers (Column 2 lines 34-55). In light of the fact that the instant board does not require an organic binder containing skeletal structure and has a relatively high fiber

content, the Shannon reference fails to teach or motivate the exploration of finished products free of organic binders generally or boards not requiring organic binder containing skeletal starting structures in particular. Thus it is respectfully submitted that independent claims 1, 10, 32 and 33 are not anticipated by, or unpatentably obvious in view of, Shannon, and are, therefore, in condition for allowance. Claims 2-9 and 24-27, depend, either directly or indirectly, from claim 1 and thus incorporate all of the features thereof. Thus, it is respectfully submitted that dependent claims 2-3, 5-22 and 24-27 are also not anticipated by or unpatentably obvious in view of Shannon, and are also, therefore, in condition for allowance. Moreover, claim 4 as amended is also not anticipated by or unpatentably obvious in view of Shannon, and are also, therefore, in condition for allowance.

Claims 10-22 and 32-33 Stand Rejected Under 35 U.S.C. §102(b)

In the Office Action, claims 10-22 and 32-33 were rejected under 35 U.S.C. §102(b) as being anticipated by Vandermeer U.S. Patent 6,214,102 (hereinafter Vandermeer). It is respectfully submitted that Vandermeer does not describe or suggest the present invention as claimed in these claims. Reconsideration of this rejection is respectfully requested for the following reasons.

Claims 10, 32 and 33 of the present application are independent claims drawn to a fibrous board comprising a body of fibers formed together without the use of off-gassing producing materials and is accumulated in such a way that post production surface processing is not necessary. It is submitted that the claim amendment makes explicit the implicit limitation that the fiberboard, in accordance with the present invention, does not require post-production surface processing or produce undesirable off-gassing and that the board is a fiber board. By the foregoing amendment, claim 10 has been amended to clarify that the fibrous board in accordance with the claimed invention is an alternative to vacuum forming methods. In fact, the "Background of the Invention" section of the present application describes the limitations of conventional vacuum forming processes such as the one disclosed by Vandermeer. The principal difference between the Vandermeer reference and traditional vacuum forming methods is the use of ionic attraction for binding. The vacuum forming process also requires a prolonged drying process, which is an undesirable byproduct.

Contrary to the Examiners suggestion that Vandermeer discloses the use of inorganic binders, Vandermeer provides that binding is a result of ionic attraction of the cationic starch, so as to floc the silica to the ceramic fibers (See, Column 2, lines 55-65). Vandermeer even admits at column 2 lines 61-65 that the use of cationic starch enables the manufacture of ceramic products having "much lower

organic content..." but does not alleviate the need altogether. Moreover, the cationic starch is subject to undesirable off-gassing during initial use, which strictly teaches away from the objectives outlined in the present application (See, Page 3, lines 19-26).

As discussed briefly above, the Vandermeer reference provides a method (i.e., vacuum forming) that requires top surface finishing, grinding, and/or sanding in order to obtain the target thickness. This too is contrary to the objectives of the claimed invention (See, Page 3, lines 10-17).

Therefore, because a product resulting from the Vandermeer process is subject to off-gassing and also requires post production finishing to achieve its target thickness, the Vandermeer process cannot be used to produce the presently claimed fiberboard. Moreover, since the Vandermeer reference discloses a vacuum forming process, it would not be a suitable reference to combine with any other reference to achieve the advantages of the presently claimed invention.

Thus, it is respectfully submitted that claims 10-22 and 32-33 are not anticipated by, or unpatentably obvious in view of Vandermeer, and are, therefore, in condition for allowance.

IV CONCLUSION

In view of the above, 1-22, 24-27 and 32-33 are pending and for the foregoing reasons, it is respectfully submitted that all of the pending claims in this application, as amended, are in condition for allowance. Favorable action on this application is, therefore, solicited.

Respectfully submitted,

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